

Message Text

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DRAFTED BY EB/IFD/BP:T A SCHLENKER:BT
APPROVED BY EB/IFD/BP:THOMAS A SCHLENKER, ACTING DIRECTOR
JUSTICE:L CHILES
FTC:J FISCHBACH

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FM SECSTATE WASHDC
TO AMEMBASSY PARIS

UNCLAS STATE 121696

FOR OECD

E.O. 11652: N/A

TAGS: ETRD, OECD

SUBJECT: OECD NOTIFICATIONS OF U.S. ANTITRUST ACTIONS FROM
NOVEMBER 16,1977 TO APRIL 15, 1978

REFS: A) 77 STATE 276706; B) 76 STATE 10379; C) 77 STATE
274963; D) 77 STATE 280336; E) STATE 17733; F) STATE 74548;
G) 75 STATE 154548; H) STATE 5535; I) 77 STATE 71789;
J) STATE 7251; K) 76 STATE 99508; L) 77 STATE 281538;
M) STATE 5028; N) STATE 74549

1. MISSION IS REQUESTED TO PASS TO ANDRE DENUIT, OECD
SECRETARIAT STAFF FOR GROUP OF EXPERTS ON RESTRICTIVE
BUSINESS PRACTICES (RBPS),THE FOLLOWING INFORMATION CONCERNING
NOTIFICATIONS MADE BY THE UNITED STATES GOVERNMENTFOR THE PERIOD
NOVEMBER 16, 1977 TO APRIL 15, 1978, UNDER THE 1967 NOTIFI-
CATION PROCEDURE.

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2. THE UNITED STATES DEPARTMENT OF JUSTICE FILED A CONSENT
DECREE DECEMBER 9, 1977 TERMINATING ITS CIVIL SUIT AGAINST
PAN AMERICAN AIRWAYS, TWA AND LUFTHANSA, ENJOINING THESE
COMPANIES FROM RAISING, FIXING, DETERMINING, MAINTAINING
STABILIZING OR ADHERING TO ANY FARE LEVEL OR TARIFF CONDI-
TION FOR INTERNATIONAL AIR TRANSPORTATION NOT AFFECTED B

ANY ORDER OF THE U.S. CIVIL AERONAUTICS BOARD (CAB). THE

CONSENT DECREE WAS OFFICIALLY ENTERED ON MARCH 9, 1978.
(REFTEL A).

3. THE DEPARTMENT OF JUSTICE FILED A CONSENT DECREE ON NOVEMBER 11, 1977 WITHOUT ADJUDICATION AGAINST INCO., LTD. (FORMERLY KNOWN AS THE INTERNATIONAL NICKEL COMPANY OF CANADA, LTD.), INCO UNITED STATES, INC. (FORMERLY KNOWN AS INTERNATIONAL NICKEL (US), AND ESB INC., A US INDUSTRIAL BATTERY MANUFACTURER. BY TERMS OF THE CONSENT DECREE THE DEFENDANTS ARE ORDER TO GRANT LICENSES AND IMMUNITIES FROM SUIT TO ALL APPLICANTS AND UPON PAYMENT OF NOT MORE THAN DOLS US 1,000 MAKE AVAILABLE A WRITTEN MANUEL ON METHODS OF MANUFACTURE, ASSEMBLY AND USE OF QUOTE CONTROLLED MICRO-GEOMETRY METHOD (CMG) INVENTIONS UNQUOTE OF THE DEFENDANTS'. THIS CONSENT DECREE WAS ENTERED ON JANUARY 27, 1978.
(REFTEL B)

4. IN ADDITION TO THE ABOVE CASES, NOTIFICATION HAS BEEN MADE IN RESPECT TO FOUR DEPARTMENT OF JUSTICE INVESTIGATIONS DEEMED TO CONCERN THE INTEREST OF OECD COUNTRIES.
(REFTELS C-F).

5. THE UNITED STATES FEDERAL TRADE COMMISSION (FTC) REPORTED AN INITIAL DECISION ISSUED ON NOVEMBER 25, 1977
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AGAINST VERRAZZANO TRADING CORPORATION ET AL, ORDERING THE DEFENDANTS TO CEASE DECEPTIVE IDENTIFICATION OF WOOL PRODUCTS THEY SHIP INTO THE UNITED STATES. INVESTIGATION OF THIS CASE WAS BEGUN IN 1975. (REFTELS G AND H).

6. FTC CONCLUDED ITS INVESTIGATION OF SPEEDO KNITTING MILLS, PTY., LTD., AN AUSTRALIAN FIRM, ON DECEMBER 13, 1977 WITHOUT TAKING ANY FORMAL ACTION. CLOSING OF THE INVESTIGATION IS WITHOUT PREJUDICE TO THE RIGHT OF THE COMMISSION TO REOPEN THE MATTER OR TAKE ANY OTHER ACTION IN THE FUTURE. THE INVESTIGATION WAS INITIATED IN MARCH 1977. (REFTELS I AND J).

7. FTC CLOSED ITS INVESTIGATION OF THE ADVERTISING AND MARKETING ACTIVITIES OF VOLKSWAGEN OF AMERICA ON NOVEMBER 11, 1977. CLOSING OF THE INVESTIGATION IS WITHOUT PREJUDICE TO FUTURE ACTIONS BY THE COMMISSION IF REQUIRED. THE INVESTIGATION WAS OPENED IN APRIL 1976. (REFTELS K AND I).

8. IN ADDITION TO THE ABOVE CASES, THE U.S. FEDERAL TRADE COMMISSION HAS MADE NOTIFICATION TO OTHER OECD MEMBER COUNTRIES WITH RESPECT TO TWO NONPUBLIC INVESTIGATIONS

DEEMED TO CONCERN THEIR INTERESTS. THE SUBJECT MATTER OF
THESE NOTIFICATIONS HAS NOT BEEN PUBLICALLY DISCLOSED BY
THE COMMISSION. (REFTELS M AND N). VANCE

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